

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7209 OF 2022

NARESH MADANLAL GUPTA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Shri Natu Sharad V.
AGP for the Respondents/ State : Shri S.G. Karlekar

...

CORAM : RAVINDRA V. GHUGE
&
ANIL L. PANSARE, JJ.

DATE :- 14th July, 2022

Per Court :-

1. The petitioners have put forth prayer clauses B, C
and D as under :-

- “B. Rule may kindly be made absolute and by issuing appropriate writ or direction in the like nature, respondent no.1 and 2 be directed to initiate inquiry against the respondent no.3 for acting contrary to the interest of the corporation and causing loss by giving away the shops owned by corporation to developer in Tarodekar Market at Nanded.*
- C. Respondent no.3 be directed to hold a fresh draw of the shops situated on the ground floor and also to include 6 shops facing main road which were previously excluded in the said draw.*
- D. During pendency of this writ petition respondent no.3 may please be restrained from*

allotting the front facing 6 shops in Tarodekar Market at Nanded and if allotted already to any person other than for rehabilitation then respondent no.3 may please further be directed to take back the same.”

2. Since we noticed certain disputed issues, the learned advocate for the petitioners submits, on instructions, that the representation dated 23.12.2021 made by these petitioners to the State authorities under Section 450-A of the Maharashtra Municipal Corporation Act, be decided within a particular time frame. It is further submitted that prayer clause D may be left open as the petitioners have applied for allotment of the front facing shops.

3. In view of the above, this Writ Petition is disposed off with the following directions :-

(a) The petitioners are put to notice to appear before respondent No.1 on 04.08.2022 at 12:00 noon.

(b) Respondent No.1 may issue notices to all other stakeholders so as to commence a hearing in the proceedings.

(c) Respondent No.1 would consider the representation dated 23.12.2021 only if the said authority is vested with the jurisdiction under Section 450-A and subject to the same, shall

decide the said representation on it's own merits and strictly in accordance with the provisions of law, as expeditiously as possible and preferably on or before 15.10.2022.

kps

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)